

ORIGINAL

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

AUG 5 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )

Preparation for International )  
Telecommunication Union World )  
Radiocommunication Conferences )

IC Docket No. 94-31

**REPLY COMMENTS OF THE  
NATIONAL ASSOCIATION OF BROADCASTERS**

In these brief Reply Comments, the National Association of Broadcasters<sup>1/</sup> addresses another aspect of the spectrum allocation matter that was at the core of NAB's initial comments<sup>2/</sup> in this proceeding and has been underscored in several other pleadings NAB has submitted in other docketed proceedings.<sup>3/</sup> The issue is television broadcasters'<sup>4/</sup> current, and expanding, need for 2 GHz broadcast auxiliary -- primarily electronic newsgathering ("ENG") -- spectrum.

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<sup>1/</sup>NAB is a nonprofit, incorporated association of radio and television stations and broadcast networks which serves and represents the American broadcast industry.

<sup>2/</sup>On June 15, 1994, NAB filed Joint Comments with the Association for Maximum Service Television, Inc. ("MSTV"), Capital Cities/ABC, Inc., CBS Inc., Fox, Inc. and Fox Television Stations, Inc., National Broadcasting Company, Inc., Public Broadcasting Service, Radio-Television News Directors Association and the Society of Broadcast Engineers, Inc.

<sup>3/</sup>See, e.g.: Joint Request for Clarification in Gen. Docket No. 90-314, filed July 25, 1994; NAB Comments in Gen. Docket No. 90-314, filed October 1, 1990; Joint Comments of NAB, et al. in Gen. Docket No. 90-314, filed January 9, 1992; and Joint Comments of NAB, et al. in ET Docket No. 92-9, filed June 8, 1992.

<sup>4/</sup>NAB notes that other communications companies, e.g. cable operators, also are eligible to apply for auxiliary use of these frequencies.

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NAB participated in Joint Comments in this proceeding which strongly urged the Commission to adopt a posture at the upcoming World Radiocommunications Conference (and at other International Telecommunications Union ("ITU")-sponsored conferences) that would not prejudice -- indeed foster -- the accommodation of broadcasters' need for 2 GHz auxiliary spectrum. This matter has arisen as the United States addresses the call for a world-wide allocation for the Mobile Satellite Services ("MSS") and the related, domestic spectrum accommodation of the Personal Communications Service ("PCS").

Of special focus in our June 15, 1994, Joint Comments was the Commission's current plan to provide for such a world-wide MSS allocation by reallocating a portion of the 2 GHz broadcast auxiliary band.<sup>5/</sup> In that reconsideration decision in the PCS docket, the Commission stated its intention to "initiate a separate proceeding" to consider a shifting of the 1990-2010 MHz portion of the 1990-2110 MHz broadcast auxiliary band. NAB and others participating in these Joint Comments urged the Commission to avoid taking a WRC position that might somehow compromise the interests of broadcasters in continued use of 2 GHz auxiliary spectrum.

Among other things, these Joint Comments urged the Commission not to support efforts -- now being taken by other countries -- to alter and advance the January 1, 2005, date for 1970-2010 MHz spectrum availability for global MSS operation until steps had been taken domestically to ensure the domestic reallocation of adequate 2 GHz broadcast auxiliary spectrum. This 2 GHz spectrum reallocation -- at minimum -- would have to make

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<sup>5/</sup>See Memorandum Opinion and Order in Gen. Docket No. 90-314, FCC 94-144, released June 13, 1994.

up for any 1990-2010 MHz domestic spectrum loss that broadcasters might have to accept<sup>6/</sup> were the Commission to follow through on its plan to accommodate -- through changes in the domestic spectrum allocation scheme -- a global MSS allocation that would involve that 20 MHz portion of current ENG spectrum.<sup>7/</sup> NAB and others have pointed out that such 2 GHz spectrum is of critical importance to the provision of on-the-spot coverage of news events and other matters to the American public via free, over-the-air broadcast facilities.<sup>8/</sup>

Now, however, several parties filing initial comments in the instant proceeding have urged that an additional 2 GHz band spectrum block, also currently part of the domestic broadcast auxiliary band, be employed as part of MSS operations.<sup>9/</sup> They request, either specifically or implicitly, that the 2010-2025 MHz band also be employed as part of a

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<sup>6/</sup>These Joint Comments, as did broadcasters' Joint Request for Clarification in Gen. Docket No. 90-314, supra, pointed out that heavy, current use of these frequencies by broadcasters and others required a thorough assessment of competing spectrum needs before any domestic spectrum shift of current broadcast auxiliary spectrum. These and other broadcaster comments also have underscored how "spectrum sharing" among broadcast auxiliary and MSS/PCS services would be impractical if not impossible.

<sup>7/</sup>Our Joint Comments, as well as several of the above-cited joint and separate filings submitted by NAB, also have urged the Commission to provide, as a condition precedent to any such involuntary spectrum shift, full compensation for broadcasters. Such a compensation system should be based on the principles adopted for "emerging technology" spectrum in the Commission's Memorandum Opinion and Order in ET Docket No. 92-9, 9 FCC Rcd 1943 (1994).

<sup>8/</sup>NAB acknowledges that we and MSTV have urged Commission reallocation of additional spectrum in the 4 GHz band to help accommodate the excess demand for auxiliary spectrum and to be dedicated for advanced, digital auxiliary operation. See, e.g., Reply Comments of NAB in ET Docket No. 94-32, filed June 30, 1994. This 4 GHz spectrum would be required in addition to broadcasters' continued use of 2 GHz auxiliary spectrum.

<sup>9/</sup>See, e.g.: Comments of Motorola Satellite Communications, Inc. and Iridium, Inc., filed July 15, 1994; Comments of American Mobile Satellite Corporation, filed July 15, 1994; Comments of Comsat Mobile Communications, Inc., filed July 15, 1994; and Comments of Constellation Communications, Inc., filed July 15, 1994.

worldwide (and domestic) MSS scheme. It is NAB's further understanding that such a concept has been advanced by such parties at the meetings of the FCC's WRC Industry Advisory Group, in particular the "informal working group" ("IWG-3") addressing MSS above 1 GHz. These discussions are intended to help the FCC, NTIA and Department of State prepare for the upcoming WRC meeting and subsequent ITU meetings.

In these Reply Comments NAB wishes to incorporate by reference, insofar as this new 2010-2025 MHz reallocation request is concerned, all the earlier observations, arguments and requests we have advanced -- either by NAB individually or by NAB in concert with other parties in joint filings -- regarding the possible reallocation to MSS of the 1990-2010 MHz portion of the broadcast auxiliary band. That is, the United States should take no step internationally that would foreclose broadcasters' overall domestic auxiliary needs being met fully by the Commission and by the parties that would seek to occupy a portion of the 2 GHz band now used by TV broadcasters for auxiliary purposes. These considerations would extend to spectrum reallocation in the 2 GHz band, the provision of other spectrum that would be needed to accommodate the current and growing demand for auxiliary spectrum (especially in a future regime of digital broadcast communications) and the provision of full compensation to broadcasters were they forced to move to another portion of the 2 GHz band.


## **CONCLUSION**

For the reasons stated above, NAB urges the Commission to adopt a posture at WRC '95 -- and to take positions on matters to be addressed at that and subsequent

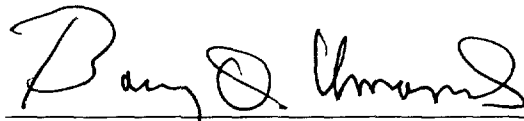
international conferences -- that will in no way work against the interests of maintaining and expanding the spectrum allocation for domestic broadcast auxiliary use.

Respectfully submitted,

NATIONAL ASSOCIATION OF BROADCASTERS  
1771 N Street, NW  
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A handwritten signature in dark ink, appearing to read "Henry L. Baumann", written over a horizontal line.

Henry L. Baumann  
Executive Vice President & General Counsel

A handwritten signature in dark ink, appearing to read "Barry D. Umahsky", written over a horizontal line.

Barry D. Umahsky  
Deputy General Counsel

Kelly T. Williams  
Director of Engineering  
NAB Science & Technology

August 5, 1994